IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 5448 of 2005

Between:

Sigma Constructions, represented by its Managing Partner N. Nagabhoga Vinayaka Venkateswara Rao S/o Visweswara Rao having its registered Office at Plot No.7 Viswanadh Residency, Srinivasa Nagar, Hyderabad

..... PETITIONER

AND

1 Engineer-in-Chief (R&B) Nabard, Erramanzil, Hyderabad
2 Superintendent Engineer (R&B) Kakinada, East Godavari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate Writ, order or direction, declaring the action of the 2nd respondent in disqualifying the technical bid of the petitioner in respect of the items NIT No. E-In-C (R&B) NABARD 259/2004-2005, and NIT No. E-In-C (R&B) NABARD 277/2004-2005, dt 1-2-2005 as illegal, arbitrary and violative of principles of natural justice and for a consequential order directing the respondents to consider the technical bid of the petitioner on par with the other tenderers relating to the above two items and pass such other order or orders as may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.CH.DHANAMJAYA

Counsel for the Respondents : GP FOR ROADS & BUILDINGS

The Court made the following :

ORDER:

Heard the learned counsel for the petitioner and learned Government Pleader.

Seeking to declare the action of the 2nd respondent in disqualifying the technical bid of the petitioner in respect of the items NIT No.E-In-C (R&B) NABARD 259/2004-2005, and NIT No.E-In-C (R& B) NABARD 277/2004-2005,dated 1-2-2005 as illegal and arbitrary, the present writ petition is filed.

The petitioner is a registered firm and has been doing contract works for the last several years as a Special Class Contractor. The 2nd respondent has rejected the technical bid of the petitioner and he sent the file relating to two tenders of the petitioner to the 1st respondent for taking appropriate decision. Admittedly, the 1st respondent is the competent authority to revaluate the tenders if they are found to be eligible criteria as per the notice notifying the tender.

Therefore, without going into the merits of the case, the 1st respondent is directed to take appropriate decision in accordance with the conditions stipulated in the notice notifying the tender.

The writ petition is disposed of. No order as to costs.

17-3-2005

Note:

Issue operative portion

of the order by wire.

B/o rkk

Copy to:

1. The Engineer-in-Chief (R& B) Babard, Erramanzil, Hyderabad.
2. The Superintendent Engineer (R&B), Kakinada, East Godavari District.
3. Two C.C.s to the Government Pleader for Road and Buildings, High Court Buildings, High Court of Andhra Pradesh, Hyderabad (O.U.T.)

4. Two C.D. Copies.